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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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|---|---|
| RAMAKRISHNAIAH, MELUR | |
| ART UNIT | PAPER NUMBER |
| 2643 | |

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17

Please find below and/or attached an Office communication concerning this application or proceeding.

| Advisory Action | Application No. 09/734,595 | Applicant(s) BOBER ET AL. | |
|---|---|---|---|
| | Examiner Melur Ramakrishnaiah | Art Unit 2643 | |

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires *3* months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.☒ A Notice of Appeal was filed on *21 April 2004*. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2.☐ The proposed amendment(s) will not be entered because:

(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ they raise the issue of new matter (see Note below);

(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3.☐ Applicant's reply has overcome the following rejection(s): _____.

4.☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5.☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7.☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: *1-7, 15-16, 18-19, 21-24, 26-27, 30-33*.

Claim(s) withdrawn from consideration: _____.

8.☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9.☐ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). _____.

10.☐ Other: _____

Melur. Ramakrishnaiah

Melur Ramakrishnaiah
Primary Examiner
Art Unit: 2643

Continuation of 5. does NOT place the application in condition for allowance because: the prior art references still reads on applicants claims, see the attacment.

Response to Applicants arguments concerning final rejection:

Rejection of claims 1-7, 21-24, 26-27, and 30-33 under 35 U.S.C 103(a) over Falcon (US PAT: 6,593,955B1) in view of Yoshino (JP407321781A):

Regarding rejection of independent claim 1, Applicant misstates the final office action by quoting the following: "However, as admitted in the Office Action, the '955 patent fails to disclose coding an extracted region of each of the plural images, wherein the extracted region of each of the plural images has a second resolution, smaller than a first resolution, corresponding to a display format of a receiving device, as recited in claim 1". Final Office action dated 10-22-2003 does not say anything like what Applicant has described above. Final office action says the following: Falcon differs from claims 1, 21-24 in that he does not explicitly teach using resolution corresponding to display format of a receiving device.

However, Yoshino discloses communication system and terminal equipment, which teaches the following: using resolution corresponding to display format of a receiving device (fig. 1, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Falcon's system to provide for the following: using resolution corresponding to display format of a receiving device as this arrangement would facilitate displaying the image at the receiving end which is suitable for display capability of display at the receiving end as taught by Yoshino.

As a matter of clarification, Falcon clearly teaches the limitation: coding an extracted region of each of the plural images, wherein the extracted region of each of the plural images has a second resolution, smaller than a first resolution (fig. 2, col. 5 lines 20-67, col. 6 lines 1-18, col. 9 lines 9-13).

As stated above, Falcon in combination with Yoshino teaches the limitation of claim 1 and therefore rejection of claim 1 is maintained.

Applicant next discusses '781 patent to Yoshino and states the following: Applicants respectfully submit that '781 patent fails to discloses a method of processing a video image in which a region is extracted from the captured image such that extracted region has a second resolution, smaller that first resolution". As stated above, Falocn ('955 patent) teaches this limitation: a method of processing a video image in which a region is extracted from the captured image such that extracted region has a second resolution, smaller that first resolution (fig. 2, col. 5 lines 20-67, col. 6 lines 1-18, col. 9 lines 9-13).

'781 patent to Yoshino teaches the following: using resolution corresponding to display format of a receiving device (fig. 1, see abstract).

Since Falcon in combination with Yoshino teaches the claim limitation of claim 1, rejection of claim 1 is maintained.

Applicant further argues, in the 3rd paragraph of page 8 of his response to the final office, that "no matter how the teachings of '955 and '781are combined, the combination does not teach or suggest coding an extracted region of each of plural images, wherein extracted region of each of the plural images has a second resolution,

smaller than a first resolution of the captured images, corresponding to a display format of a receiving device, as recited in claim 1. Accordingly, applicants respectfully submit that a prima facie case of obviousness has not been established and that the rejection of claim 1(and all associated dependent claims should be withdrawn". Contrary to Applicant's interpretation of Falcon reference, Falcon ('955 patent) reference teaches the following: coding an extracted region of each of plural images, wherein extracted region of each of the plural images has a second resolution, smaller than a first resolution of the captured images (figs. 2-3, fig. 2, col. 5 lines 20-67, col. 6 lines 1-18, col. 9 lines 9-13) and Yoshino ('781 patent) teaches the following: using resolution corresponding to display format of a receiving device (fig. 1, see abstract). Since, Falcon in combination with Yoshino teaches the limitation of claim 1, Examiner submits that prima facie case of obviousness has been established for claim 1 and its dependent claims as set forth in the final office action.

Regarding rejection of independent claims 21-24, applicant states that these claims recite limitations analogues to limitations to claim1, Applicants respectfully submit that a prima facie case of obviousness has not been established that rejection of claims 21-24 (and all associated dependent claims) should be with drawn.

As set forth above regarding rejection of independent claim 1, Examiner submits that prima facie case of obviousness has been set forth for independent claim 1 and consequently prima facie case of obviousness has been set forth for independent claims 21-24 as set forth in the final office action.

Rejection of independent claim 15 under 35 U.S.C 102(e) as being anticipated by Falcon: Regarding rejection of claim 15, Applicant argues, in 3rd paragraph of page 9 of his response to the final office action, that "Applicants respectfully submit that the '955 patent fails to disclose (1) that a selected region is greater than an area occupied by the object of interest by a predetermined degree; and (2) scaling the selected region to a predetermined second size, as recited in claim 15". Contrary to Applicant's interpretation of '955 patent to Falcon, Falcon clearly teaches the following: (1) that a selected region (rectangular region around user head) is greater than an area occupied by the object of interest (user head) by a predetermined degree (fig.2, col. 6 lines 46-51), and (2) scaling the selected region to a predetermined second size (col. 6 lines 60-65). Regarding rejection of claim 15, Applicant further argues, in 3rd paragraph of page 9 of his response to the final office action, that "Applicants respectfully submit that the '955 patent would have no reason to scale since selected region is always the same size". Contrary to Applicant's interpretation of the '955 patent to Falcon, Falcon teaches that the size of the view port is preferably sized, either dynamically, or statistically to frame user's face and further it is scaled to 240Wx280H pixels (col. 6 lines 60-65). Since, Falcon teaches the limitation of claim 15, rejection of claim 15 is maintained.

Rejection of claim 19 under 35 U.S.C 103(a) as being obvious over Falcon in view of Fujino et al. (JP 405068241A): regarding rejection of claim 19, Applicants argue that "Applicants respectfully submit that the '241 patent fails to remedy the deficiencies of the '955 patent, as discussed above. Accordingly, Applicants respectfully submit a prima facie case of obviousness has not been established and rejection of dependent

claim 19 should be withdrawn". Regarding this, as discussed above, Falcon teaches the claim limitation of claim 15 without the assistance of Fujino. But he does not teach the limitation of claim 19. However, Fujino discloses CIF image transmission system for video telephone which teaches the following: generating and transmitting picture in CIF or QCIF format (fig. 1, see abstract, claim 19). Since , Falcon in combination with Fujino teaches the limitation of claim 19.and rejection of claim 19 is maintained. In view of the above explanation, Examiner submits that a prima facie case of obviousness has been set forth for claim 19.